

# **Summary of Watershed-Based Mitigation Subcommittee Meeting**

**Nov. 19, 2003, 9:30 AM - 12:30 PM**

**WDFW “Old Wildlife Director’s Conference Room,” 600 North Capitol Way**

## **Attendees:**

- Dept. of Ecology: Janice Sedlak, Stephen Bernath
- Dept. of Fish and Wildlife: Peter Birch, Bob Zeigler, Margen Carlson
- Dept. of Transportation: Richard Gersib, Peter Downey, Tim Hilliard, Barb Aberle
- Governor’s Salmon Recovery Office: Philip Miller
- Northwest Indian Fisheries Commission: Darrell Phare
- Columbia River Intertribal Fisheries Commission: Jeff Spencer
- Applied Hydrology NW: Rick Anderson
- Dept. of Natural Resources: Jay Udelhoven

**Committee Co-Chairs: Peter Birch, WDFW; Richard Gersib, WSDOT**

## **Introductions and Reviewed Agenda**

It has been noted that the subcommittee needs a facilitator. Jeff Spencer, Yakama Nation employee and TPEAC liaison from the Columbia River Intertribal Fisheries Commission, has offered to be a facilitator. Since he was at the meeting, he agreed to dive right in and facilitate.

## **Meeting Goals**

Jeff suggested we start with a clarification of the goals for the meeting. We settled on:

- Deciding where we are on the issue of a policy workgroup, provide the group with direction for the near future, what are the tasks and needs
- Share the experiences of the subcommittee folks who presented at the SRF Board meeting recently
- Understand the relationship between DNR’s new proposed mitigation legislation and the work of this subcommittee

## **SRF Board Presentation**

Peter Birch said that we shared our goals and objectives, tried to give them an understanding of our scope and not so much detail on technical progress.

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Peter Birch and Rick Anderson agreed that Phil Miller did a great job and encouraged him to speak up.

Phil reported that they were excited about the opportunities but didn't fully grasp the challenges – getting the regulatory agency buy-in, permits, etc. In general the response was positive. He felt they were impatient for results – substantive results. They would like to see it result in funding to select salmon recovery projects. They think the methodology might be well-suited to application to a wider range of entities – local governments, salmon recovery efforts, even private projects. They sent a message of “be creative, think outside the box, don't listen to naysayers, this is important work. They are interested in future cooperation.

They see the watershed characterization as having four ingredients – a toolbox, a WSDOT policy framework, a regulatory agency framework, and a relationship with the various watershed groups. The role of the watershed characterization as a scientific way to identify sites – beyond the “opportunistic” style of restoration – was discussed.

### **Policy Effort**

Rick Anderson contract to assist with the policy effort is signed. He is already working at it and has begun his work. He developed and shared a “Draft Format to Review Alternative Mitigation Policy Guidance Document” he had created.

He says his vision is that we will integrate the new tools we are developing into the permit process. He would like this effort to integrate permit objectives for the major water quality, water quantity, and fish permits. We also need to incorporate watershed plans. How do we integrate them with our tools? From the point of view of the watershed groups, it is funding that is the objective.

We need to keep the 18<sup>th</sup> amendment in mind – projects must meet mitigation needs.

His plan is to have a three-prong effort. That is:

1. Look at the existing Alternative Mitigation Policy Guidance Document
2. Break it into components and review its effectiveness in meeting watershed mitigation needs.
3. Make recommendations to the subcommittee as to how to proceed.

The main product of Rick's effort will be a white paper with the recommendations on changes to the Alternative Mitigation Policy Guidance Document and other needs. He doesn't have any preconception of whether it needs to be edited, replaces, added to.

The role of the workgroup will be to keep the effort on track, make sure the issue is communicated to the subcommittee and TPEAC, and to give the effort a reality check.

The tribal role would be to communicate (through the liaisons) learn what communication channels will be needed in the future, etc.

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The role of the locals will be to identify how the issues in the Alternative Mitigation Policy Guidance Document apply to them, work on the issue of how we deal with out-of-jurisdiction mitigation. Ashley Probart is important to this part of the effort.

Timing – Rick has about 2 months. After that, what the subcommittee does will depend on how we feel about the white paper and its recommendations. Options may be to recommend TPEAC approval, move on to a test phase, or work with agencies to institutionalize.

Dick Gersib noted that we want tools to streamline but shouldn't lose site of the fact that we don't plan to challenge the existing sideboards. We don't want to change the world, just to show how we can proceed within the laws as they stand.

Steven Bernath added that Ecology likes this approach, because it takes existing policy as a starting point, and expands on it, tests it.

Rick Anderson concluded that we need to pull the workgroup together ASAP. The group should have some of the team that wrote the Alternative Mitigation Policy Guidance Document in the first place.

### **Draft Proposed Legislation to allow DNR to enter the world of Mitigation and Mitigation Banking (Jay Udelhoven)**

The DNR manages 2.4 million acres of aquatic lands. In the past they have not been directly involved with mitigation. However, recently they have been realizing that as stewards of the aquatic land they should be more involved.

They have developed draft legislation to allow DNR to serve as long-term managers of compensatory mitigation sites and to serve as mitigation bankers. They feel they have an opportunity to assist in two ways:

First, as manager of the aquatic lands, they can take perpetual management responsibilities of compensatory mitigation sites:

- This would be limited to state-owned aquatic land under current legislation
- They are developing a system to determine perpetual management endowments
- A legislatively-designated “escrow” account may be needed to do this
- They are trying to develop a statewide DNR mitigation policy

Second, they are contemplating becoming mitigation bankers in an effort to improve mitigation beyond the traditional on-site/in-kind approach. This would include analyses to find the best sites for long-term mitigation, to get the “best bang for the buck.”

He distributed the draft legislation and asked that we review and comment on this.

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Peter Downey commented that TPEAC could support the legislation if we feel it is a useful tool. Dick Gersib noted that the DNR could be considered one of the local interests when watershed approach is done in a coastal area.

The group consensus was to support the effort and ask TPEAC to support it officially.

### **Next Steps and Next Meetings**

Next meeting will be Dec. 17<sup>th</sup> in Room 633, Natural Resources Building

- Update on beta test
- Policy workgroup should be moving forward and will need to report, discuss
- We may need additional input on the draft DNR legislation
- We will need to have Christina Martinez or other folks from the Urban Corridor Office to discuss the results of the beta test
- Tim Hilliard will report on the local response to the beta test.